



John Elias Baldacci  
Governor

## Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention  
(Formerly Bureau of Health)  
286 Water Street  
11 State House Station  
Augusta, ME 04333-0011

Brenda Harvey  
Commissioner

Dora Anne Mills, MD, MPH  
Public Health Director  
Maine CDC Director

### FREQUENTLY ASKED QUESTIONS LEAD POISONING PREVENTION FEE

#### 1. What is the Lead Poisoning Prevention Fee?

The Lead Poisoning Prevention Fee is a fee imposed on the sale of paint in Maine to fund community and worker lead poisoning prevention programs administered by the Maine Department of Health and Human Services (DHHS).

#### 2. Who must pay the fee?

Generally, companies owning the brand name or private label of paint sold in Maine must pay the fee. For fee paying purposes, the brand name or private label owners are considered manufacturers of the paint. However, where paint is imported from another country (such as Canada) for sale into Maine, the importer is required to pay the fee unless the brand label owner is subject to Maine's jurisdiction by virtue of doing sufficient business in the state. A company engaged in retail sales does not pay the fee unless it is also the brand name or private label owner, and is thus considered a paint manufacturer.

#### 3. What if my company does not sell paint in Maine, or sells very little paint in Maine?

If your company sells less than 1,800 gallons of paint in Maine in a calendar year, the fee is waived. If your company does not sell any paint in Maine, the company is not subject to the fee. In either case, you may wish to submit a protective filing by completing the DHHS reporting form and checking the "exempt" box in the fee calculation section, so DHHS is aware of your fee paying status.

#### 4. What kinds of paint are subject to the fee?

Under the rules, all paint products included within the U.S. Census Bureau's Paint and Allied Products sector description, except for miscellaneous allied paint products, are subject to the fee. Thus, paint is defined broadly to include architectural coatings (such as interior and exterior paints, primers, stains, and lacquers), product finishes for original equipment manufacturers (such as finishes for vehicles, appliances, metals, and furniture), and special purpose coatings (such as traffic marking paints, marine paints, and vehicle refinishing paints). Table 2 of the 2004 Census Report for this sector contains a list of the relevant paint product categories, is referenced in the rules, and appears on the DHHS website at [www.maine.gov/dhhs/eohp](http://www.maine.gov/dhhs/eohp).

*Our vision is Maine people living safe, healthy and productive lives.*

Phone: (207) 287-5189  
Fax: (207) 287-3981

Environmental and Occupational Health Program  
286 Water Street / Key Plaza Building / 3<sup>rd</sup> Floor

TTY: (207) 287-8066

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### **5. How do I calculate the amount of my company's fee?**

The fee amount is 25 cents per gallon of paint sold in Maine, so you must convert the volume of paint you sold to the number of gallons. You can determine the amount of Maine paint sales in one of two ways; the choice is yours. If you can track actual Maine sales within the calendar year, simply use that actual sales volume. Alternatively, you can assume Maine sales represent 0.42% of your national paint sales, and thereby multiply your company's national paint sales by 0.0042. Just indicate which method you choose on the reporting form. Normally, the fee is imposed on sales for the entire previous calendar year, but for the first fee submittal due in 2007, the fee is based only on sales on or after July 1, 2006 because that is when the law imposing the fee became effective. If you use the national sales calculation method, you can simply divide the 2006 sales volume by half before applying the 0.42% factor. For example, a company using the national sales method which sold 10,000,000 million gallons of paint nationally would normally pay a fee of \$10,500.00 ( $10,000,000 \times 0.0042 \times 0.25$ ), except in 2006 the fee would be half that amount, or \$5,250.00.

### **6. Is the fee collected at the point of sale or paid by stores where paints are sold?**

No. The fee is paid once per year by the corporate owner of the brand name or private label covering all the Maine paint sales for that company.

### **7. Then how does a company pay the fee?**

The fee is paid by check and accompanied by the DHHS reporting form signed by a "responsible corporate official". For a corporation, a responsible corporate official is a senior manager of a company, defined as a president, secretary, treasurer, vice-president in charge of a principal business function, or another person performing a similar decision-making function. There are instructions on the form as to who the check should be payable to and the address to where the check/reporting form should be mailed.

### **8. When must the fee be paid?**

The deadline for submission of the check and the reporting form is April 1 for the preceding calendar year. Accordingly, the first fee payment and reporting form are due no later than April 1, 2007.

### **9. What should I do if I want to keep the information on the reporting form confidential?**

Check the box on the reporting form indicating you wish to designate the information submitted as confidential. Information designated confidential will be segregated from the public records of the Department. Under the rules, you will be notified if a member of the public requests access to the information, and provided an opportunity to demonstrate that the information should not be disclosed under applicable state law.

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**10. Who should I contact if I need more information?**

For additional information regarding submission of the fee and the activities supported by the fee, including the applicable law, regulations, and a copy of the reporting form, please go to the DHHS website at [www.maine.gov/dhhs/eohp](http://www.maine.gov/dhhs/eohp), or contact Andrew Smith, S.M., Sc.D.

**Contact Information:**

Andrew E. Smith, S.M., Sc.D.  
State Toxicologist & Director  
Environmental and Occupational Health Program  
Maine Center for Disease Control and Prevention  
11 State House Station  
286 Water Street / Key Plaza Bldg / 3<sup>rd</sup> Floor  
Augusta, ME 04333  
Tel: (207) 287-5189  
Fax: (207) 287-3981  
Email: [andy.e.smith@maine.gov](mailto:andy.e.smith@maine.gov)

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